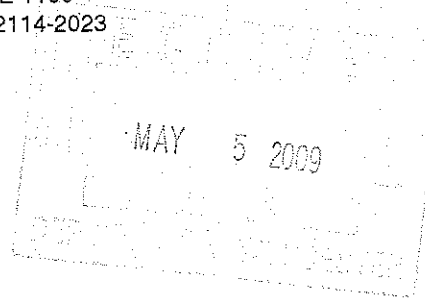




**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 1

1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023



May 4, 2009

Laurie Burt, Commissioner  
Massachusetts Department of Environmental Protection  
1 Winter Street  
Boston, MA 02108

**Re: 2008 Clean Water Act Section 303(d) List Approval**

Dear Commissioner Burt:

Thank you for your final submittal of the 2008 Clean Water Act Section 303(d) list, Massachusetts Year 2008 Integrated List of Waters - Category 5, dated December 24, 2008. In accordance with Section 303(d) of the Clean Water Act and 40 CFR §130.7, the U.S. Environmental Protection Agency (EPA) conducted a complete review of Massachusetts' 2008 Section 303(d) list and supporting documentation. Based on this review, EPA has determined that Massachusetts' 2008 Section 303(d) list of water quality limited segments still requiring total maximum daily loads (TMDLs) meets the requirements of §303(d) of the Clean Water Act (CWA) and EPA's implementing regulations. Therefore, EPA hereby approves Massachusetts' decision to include the waters in Category 5, on its Section 303(d) list, as well as Massachusetts' decision to remove specific waters from the 2008 Section 303(d) list.

Massachusetts' 2008 Section 303(d) list includes a list of those waters for which technology-based and other required controls for point and nonpoint sources are not stringent enough to attain or maintain compliance with the State's Water Quality Standards. The submittal presents Massachusetts' TMDL strategy which describes a priority setting approach for which TMDLs will be completed and submitted over time. The statutory and regulatory requirements, and EPA's review of Massachusetts' compliance with each requirement, are described in detail in the enclosed approval document.

Massachusetts completed a public participation process for the 2008 Section 303(d) list during which the public was given the opportunity to review and comment on the Section 303(d) list. As a result of this effort, Massachusetts has considered public comments in the development of the final list. A summary of the public comments and Massachusetts' response to those comments were included in the December 24, 2008 submittal.

I would like to thank your staff for their assistance in working with my staff in finalizing the 2008 Section 303(d) list. We look forward to continued cooperation with MassDEP in implementing the requirements under Section 303(d) of the Clean Water Act. Please feel free to contact me or Steve Silva at 617-918-1561, if you have any questions or comments on our review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Moraff', with a long horizontal flourish extending to the right.

Ken Moraff, Acting Director  
Office of Ecosystem Protection

Enclosure

cc:

Glenn Haas, MassDEP  
Rick Dunn, MassDEP  
Arthur Johnson, MassDEP  
Ann Williams, EPA  
Steve Silva, EPA  
Mike Hill, EPA  
Mary Garren, EPA